

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :
 :
 : Case No. 2:15-mj-12-jmc-1
 :
RAYMOND ROY SAVARD, SR. :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed May 19, 2015. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

The Court adopts Dr. Tillbrook's conclusions as the findings of the Court. Based on these findings and the stipulation of the parties, the Court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to

understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Accordingly, pursuant to 18 U.S.C. §§ 4241 and 4247, the Court commits the defendant to the custody of the Attorney General for placement in a suitable facility for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward, and for an additional reasonable period of time until either the pending charges against him are dismissed or his mental condition is so improved that trial may proceed, whichever is earlier. If, at the end of the time period specified, it is determined that the defendant's mental condition has not improved as to permit proceedings to go forward, the defendant is subject to the provisions of 18 U.S.C. §§ 4246 and 4248.

Pursuant to 18 U.S.C. §§ 3161(h)(4), the period of delay provided by this Order shall be excluded from the Speedy Trial Act calculation under which trial of this matter must commence.

IT IS SO ORDERED.

Dated at Burlington, in the District of Vermont, this
25th day of June, 2015.

/s/William K. Sessions III
William K. Sessions III
U.S. District Court Judge